

Appl. No. : 09/805,423
Filed : March 13, 2001

REMARKS

Claims 1-4, 11-13, 17-22, 50-51 and 54-61 were pending in the application. By this paper, Claims 17 – 18 have been cancelled without prejudice, Claim 19 amended, and new Claims 62 – 65 added. Hence, Claims 1 – 4, 11 – 13, 19 – 22, 50 – 51 and 54 – 65 are now pending in the application.

Allowed Claims

Per page 4 of the Office Action and the Examiner's telephonic communication to Applicant's undersigned Attorney of May 5, 2006, Claims 1 – 4, 11 – 13, 19 – 22, 50 – 51 and 54 – 61 stand allowed. It is Applicant's understanding that only Claims 17-18 stand rejected, contrary to the PTOL Form 326 issued with the Office Action.

Claim Rejections Under 35 U.S.C. §103

Claims 17 and 18 – Per page 2 of the Office Action, Claims 17 – 18 stand rejected as being unpatentable over Kernighan et al., “*The Practice of Programming*” in view of Baird et al. (US Pat. No. 5,848,264). By this paper, Applicant has cancelled Claims 17 – 18 without prejudice, thereby rendering the Examiner's rejection moot.

New Claims

Applicant has herein added new claims 62 – 65.

Independent Claim 62 generally corresponds to allowable Claim 19 and Claim 63 depends directly from Claim 62.

Independent Claim 64 generally corresponds to allowable Claim 58 and Claim 65 depends directly from Claim 64.

Hence, Applicant respectfully submits that newly added Claims 62 – 65 introduce no new matter, distinguish over the art of record, and are in condition for allowance.

Petition to Remove Erroneously Named Inventor

Applicant submits herewith copies of the petition and statement in support pursuant to 37 CFR 1.48(a) to remove an erroneously named inventor (Patrick Michael Lashley). The original

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of these petition documents were submitted to the Petition Department of the Patent Office for filing on June 27, 2006.

Other Remarks

Based on the foregoing, Applicant respectfully submits that Claims 1 – 4, 11 – 14, 19 – 22, 50 – 51 and 54 – 65 define patentable subject matter, and are in condition for allowance.

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a give claim or claims are limited to only such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES

Dated: June 27, 2006

By: 

Robert F. Gazdzinski
Registration No. 39,990
11440 West Bernardo Court, Suite 375
San Diego, CA 92127
(858) 675-1670
(858) 675-1674 (fax)